

THE EFFECTIVE DATE OF THIS ORDINANCE IS DECEMBER 1, 2005

ORDINANCE NO. 05-30-391

RE: Amendment to Section 1-19-119 of the Zoning Ordinance to Permit Replacement of Mobile Homes in Existing Mobile Home Parks

PREAMBLE

The Board of County Commissioners of Frederick County, Maryland (the "Board") has determined that it would be in the best interests of the citizens of Frederick County to permit the replacement of mobile homes in existing Mobile Home Parks. Replacement of mobile homes in existing Mobile Home Parks will help to preserve an existing source of affordable housing in Frederick County.

A duly advertised public hearing on this proposed Ordinance was held on November 15, 2005. The public had an opportunity to comment on the proposed Ordinance.

The Frederick County Planning Commission recommended approval at their public hearing on September 21, 2005 to amend existing Section 1-19-119 of the Frederick County Code by adding a new Section (E) as follows:

(E) EXISTING MOBILE HOME PARKS.

(1) A MOBILE HOME PARK WHICH EXISTED ON JANUARY 24, 1977, MAY CONTINUE IN EXISTENCE UNDER THE RULES AND REGULATIONS THEN IN EFFECT.

(2) A MOBILE HOME LOCATED IN AN EXISTING MOBILE HOME PARK ON THE EFFECTIVE DATE OF THIS ORDINANCE MAY BE REPLACED BY ANOTHER MOBILE HOME NO LARGER THAN 840 SQUARE FEET IN SIZE.

(3) NO INCREASE IN THE NUMBER OF UNITS OR PARCEL SIZE OF ANY EXISTING MOBILE HOME PARK WILL BE ALLOWED EXCEPT AS PROVIDED IN SECTION 1-19-322 MOBILE HOME PARKS.

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, that a new section E be added to Section 1-19-119 of the Frederick County Code to read as follows:

§ 1-19-119. NONCONFORMING USES.

(A) A nonconforming use is a use which legally exists on January 24, 1977 or at the time of amendment of this chapter but that does not comply with the regulations of the district in which it is located. Such nonconforming use may consist of any nonconforming use of land, a nonconforming use of structure, or a nonconforming use of land and structure. Nonconforming uses are incompatible with permitted uses in the same district and will not be modified or enlarged, except by special exception, after January 24, 1977.

(B) The Board of Appeals may grant a special exception to:

(1) Change a nonconforming use to another nonconforming use if:

(a) No structural alterations are made; and

(b) The Board of Appeals, by a specific finding in the case, finds that the proposed use is more appropriate to the district;

(c) A nonconforming use will not be changed to a use considered less appropriate to the district;

(d) The Board of Appeals may impose conditions within the scope of this chapter on the granting of such a special exception.

(2) Expand a nonconforming use or structure. Expansion is limited to the lot that exists on January 24, 1977. Additional acreage or dwelling units will not be added to expand a nonconforming use.

(C) No building, structure, or lot where a nonconforming use has ceased for one year or more shall again be put to a nonconforming use.

(D) The casual, temporary or illegal use of land or structure does not establish the existence of a nonconforming use.

(E) EXISTING MOBILE HOME PARKS.

(1) A MOBILE HOME PARK WHICH EXISTED ON JANUARY 24, 1977, MAY CONTINUE IN EXISTENCE UNDER THE RULES AND REGULATIONS THEN IN EFFECT.

(2) A MOBILE HOME LOCATED IN AN EXISTING MOBILE HOME PARK ON THE EFFECTIVE DATE OF THIS ORDINANCE MAY BE REPLACED BY ANOTHER MOBILE HOME NO LARGER THAN 840 SQUARE FEET IN SIZE.


(3) NO INCREASE IN THE NUMBER OF UNITS OR PARCEL SIZE OF ANY EXISTING MOBILE HOME PARK WILL BE ALLOWED EXCEPT AS PROVIDED IN SECTION 1-19-322 MOBILE HOME PARKS.

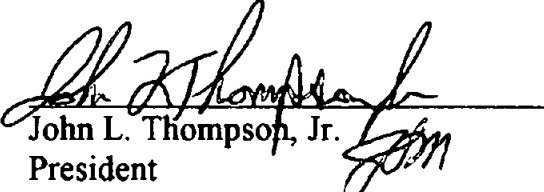
AND BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect on December 1, 2005.

The undersigned hereby certifies that this Ordinance was approved and adopted on the 15th day of November, 2005.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND


Douglas D. Browning
County Manager


John L. Thompson, Jr.
President

**CAPITALS AND/OR UNDERLINING INDICATE ENTIRELY NEW
MATTER ADDED TO THE CODE.**

[Brackets] indicate matter deleted from existing Ordinance.